

Borski	Gonzalez	McCarthy (MO)	Scott	Stenholm	Upton
Boswell	Goode	McCarthy (NY)	Sensenbrenner	Strickland	Velazquez
Boucher	Goodlatte	McCollum	Serrano	Stump	Vento
Brady (PA)	Goodling	McCrery	Sessions	Stupak	Visclosky
Brady (TX)	Gordon	McDermott	Shadegg	Sununu	Vitter
Brown (FL)	Goss	McGovern	Shaw	Sweeney	Walden
Brown (OH)	Graham	McHugh	Shays	Talent	Walsh
Bryant	Granger	McInnis	Sherman	Tancred	Wamp
Burr	Green (TX)	McIntosh	Sherwood	Tanner	Waters
Buyer	Green (WI)	McIntyre	Shinkus	Tauscher	Watkins
Callahan	Greenwood	McKeon	Shows	Tauzin	Watt (NC)
Calvert	Gutierrez	McKinney	Shuster	Taylor (MS)	Watts (OK)
Camp	Gutknecht	McNulty	Simpson	Taylor (NC)	Waxman
Campbell	Hall (OH)	Meehan	Sisisky	Terry	Weiner
Canady	Hall (TX)	Meek (FL)	Skeen	Thomas	Weldon (FL)
Cannon	Hansen	Menendez	Skelton	Thompson (CA)	Weldon (PA)
Capps	Hastings (FL)	Metcalfe	Slaughter	Thompson (MS)	Weller
Capuano	Hastings (WA)	Mica	Smith (MI)	Thornberry	Wexler
Cardin	Hayes	Millender-	Smith (NJ)	Thune	Weygand
Carson	Hayworth	McDonald	Smith (TX)	Thurman	Whitfield
Castle	Hefley	Miller (FL)	Smith (WA)	Tiahrt	Wickert
Chabot	Herger	Miller, Gary	Snyder	Tierney	Wilson
Chambliss	Hill (IN)	Miller, George	Souder	Toomey	Wolf
Clay	Hill (MT)	Minge	Spence	Towns	Woolsey
Clayton	Hilleary	Mink	Spratt	Trafficant	Wynn
Clement	Hilliard	Moakley	Stabenow	Turner	Young (AK)
Clyburn	Hinchey	Mollohan	Stark	Udall (CO)	Young (FL)
Coble	Hinojosa	Moore	Stearns	Udall (NM)	
Collins	Hobson	Moran (KS)			
Combest	Hoeffel	Moran (VA)			
Condit	Hoekstra	Morella	Chenoweth	Paul	
Conyers	Holden	Murtha	Coburn	Sanford	
Cook	Holt	Myrick			
Cooksey	Horn	Nadler			
Costello	Hostettler	Napolitano	Becerra	Hooley	Scarborough
Cox	Houghton	Neal	Boyd	Jefferson	Wise
Coyne	Hoyer	Nethercutt	Burton	Meeks (NY)	Wu
Cramer	Hulshof	Ney			
Crane	Hunter	Northup			
Crowley	Hutchinson	Norwood			
Cubin	Hyde	Nussle			
Cummings	Inslee	Oberstar			
Cunningham	Isakson	Obey			
Danner	Istook	Olver			
Davis (FL)	Jackson (IL)	Ortiz			
Davis (IL)	Jackson-Lee	Ose			
Davis (VA)	(TX)	Owens			
Deal	Jenkins	Oxley			
DeFazio	John	Packard			
DeGette	Johnson (CT)	Pallone			
Delahunt	Johnson, E. B.	Pascarell			
DeLauro	Johnson, Sam	Pastor			
DeLay	Jones (NC)	Payne			
DeMint	Jones (OH)	Pease			
Deutsch	Kanjorski	Pelosi			
Diaz-Balart	Kaptur	Peterson (MN)			
Dickey	Kasich	Peterson (PA)			
Dicks	Kelly	Petri			
Dingell	Kennedy	Phelps			
Dixon	Kildee	Pickering			
Doggett	Kilpatrick	Pickett			
Dooley	Kind (WI)	Pitts			
Doolittle	King (NY)	Pombo			
Doyle	Kingston	Pomeroy			
Dreier	Kleczka	Porter			
Duncan	Klink	Portman			
Dunn	Knollenberg	Price (NC)			
Edwards	Kolbe	Pryce (OH)			
Ehlers	Kucinich	Quinn			
Ehrlich	Kuykendall	Radanovich			
Emerson	LaFalce	Rahall			
Engel	LaHood	Ramstad			
English	Lampson	Rangel			
Eshoo	Lantos	Regula			
Etheridge	Largent	Reyes			
Evans	Larson	Reynolds			
Everett	Latham	Riley			
Ewing	LaTourette	Rivers			
Farr	Lazio	Rodriguez			
Fattah	Leach	Roemer			
Filner	Lee	Rogan			
Fletcher	Levin	Rogers			
Foley	Lewis (CA)	Rohrabacher			
Forbes	Lewis (GA)	Ros-Lehtinen			
Ford	Lewis (KY)	Rothman			
Fossella	Linder	Roukema			
Fowler	Lipinski	Roybal-Allard			
Frank (MA)	LoBiondo	Royce			
Franks (NJ)	Lofgren	Rush			
Frelinghuysen	Lowe	Ryan (WI)			
Frost	Lucas (KY)	Ryun (KS)			
Gallegly	Lucas (OK)	Sabo			
Ganske	Luther	Salmon			
Gedensson	Maloney (CT)	Sanchez			
Gekas	Maloney (NY)	Sanders			
Gephardt	Manzullo	Sandlin			
Gibbons	Markey	Sawyer			
Gilchrest	Martinez	Saxton			
Gillmor	Mascara	Schaffer			
Gilman	Matsui	Schakowsky			

NAYS—4

NOT VOTING—9

So the bill was passed.
Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.11 PROVIDING FOR THE
 CONSIDERATION OF H.R. 2436

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 313):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(b) of the rule XIII are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded

vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶105.12 UNBORN VICTIMS OF VIOLENCE

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to House Resolution 313 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

The SPEAKER pro tempore, Mrs. MYRICK, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

¶105.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CANADY:

In section 1841 of title 18, United States Code, as proposed to be added by section 2(a)—

(1) in subsection (a)(2)(C), insert “, instead of being punished under subparagraph (A),” after “shall”; and

(2) in subsection (c)(1)—

(A) insert “, or a person authorized by law to act on her behalf,” after “woman”; and

(B) strike “in a medical emergency”.

Strike section 3 and insert the following:

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

“§919a. Art. 119a. Protection of unborn children

“(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

“(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under this chapter for that conduct had that injury or death occurred to the unborn child’s mother.

“(B) An offense under this section does not require proof that—

“(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

“(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

“(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

“(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

“(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

“(c) Nothing in this section shall be construed to permit the prosecution—

“(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

“(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

“(3) of any woman with respect to her unborn child.

“(d) In this section, the term ‘unborn child’ means a child in utero, and the term ‘child in utero’ or ‘child, who is in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

“919a. Protection of unborn children.”.

It was decided in the { Yeas 269
affirmative } Nays 158

¶105.14

[Roll No. 463]

AYES—269

Aderholt	Campbell	Duncan
Archer	Canady	Dunn
Armey	Cannon	Ehlers
Bachus	Castle	Ehrlich
Baker	Chabot	Emerson
Ballenger	Chambliss	English
Barcia	Clement	Everett
Barr	Coble	Ewing
Barrett (NE)	Coburn	Fletcher
Bartlett	Collins	Foley
Barton	Combest	Forbes
Bass	Cook	Fossella
Bateman	Cooksey	Fowler
Bereuter	Costello	Franks (NJ)
Berry	Cox	Galleghy
Bilbray	Cramer	Ganske
Bilirakis	Crane	Gekas
Bishop	Crowley	Gibbons
Bliley	Cubin	Gilchrest
Blunt	Cunningham	Gillmor
Boehner	Danner	Goode
Bonilla	Davis (FL)	Goodlatte
Bonior	Davis (VA)	Goodling
Borski	Deal	Gordon
Brady (TX)	DeLay	Goss
Bryant	DeMint	Graham
Burr	Diaz-Balart	Granger
Burton	Dickey	Green (WI)
Buyer	Dingell	Gutknecht
Callahan	Doolittle	Hall (OH)
Calvert	Doyle	Hall (TX)
Camp	Dreier	Hansen

Hastings (WA)	McIntyre
Hayes	McKeon
Hayworth	McNulty
Hefley	Metcalfe
Herger	Mica
Hill (IN)	Miller (FL)
Hill (MT)	Miller, Gary
Hilleary	Minge
Hobson	Moakley
Hoekstra	Mollohan
Holden	Moran (KS)
Hostettler	Moran (VA)
Houghton	Murtha
Hulshof	Myrick
Hunter	Neal
Hutchinson	Nethercutt
Hyde	Ney
Isakson	Northup
Istook	Norwood
Jenkins	Nussle
John	Oberstar
Johnson (CT)	Obey
Johnson, Sam	Ortiz
Jones (NC)	Ose
Kanjorski	Oxley
Kaptur	Packard
Kasich	Pease
Kildee	Peterson (MN)
Kind (WI)	Peterson (PA)
King (NY)	Petri
Kingston	Phelps
Kleczka	Pickering
Klink	Pitts
Knollenberg	Pombo
Kolbe	Pomeroy
Kucinich	Portman
LaFalce	Pryce (OH)
LaHood	Quinn
Largent	Radanovich
Latham	Rahall
LaTourette	Ramstad
Lazio	Regula
Leach	Reynolds
Lewis (CA)	Riley
Lewis (KY)	Roemer
Linder	Rogan
Lipinski	Rogers
LoBiondo	Rohrabacher
Lucas (KY)	Ros-Lehtinen
Lucas (OK)	Roukema
Maloney (CT)	Royce
Manzullo	Ryan (WI)
Mascara	Ryun (KS)
McCollum	Salmon
McCrery	Sandin
McHugh	Sanford
McInnis	Saxton
McIntosh	Schaffer

NOES—158

Abercrombie	Dicks	Kuykendall
Ackerman	Dixon	Lampson
Allen	Doggett	Lantos
Andrews	Dooley	Larson
Baird	Edwards	Lee
Baldacci	Engel	Levin
Baldwin	Eshoo	Lewis (GA)
Barrett (WI)	Etheridge	Lofgren
Becerra	Evans	Lowey
Bentsen	Farr	Luther
Berkley	Fattah	Maloney (NY)
Berman	Finler	Markey
Biggert	Ford	Martinez
Blagojevich	Frank (MA)	Matsui
Blumenauer	Frelinghuysen	McCarthy (MO)
Boehlert	Frost	McCarthy (NY)
Bono	Gejdenson	McDermott
Boswell	Gephardt	McGovern
Boucher	Gilman	McKinney
Boyd	Gonzalez	Meehan
Brady (PA)	Green (TX)	Meek (FL)
Brown (FL)	Greenwood	Menendez
Brown (OH)	Gutierrez	Millender-
Capps	Hastings (FL)	McDonald
Capuano	Hilliard	Miller, George
Cardin	Hinchee	Mink
Carson	Hinojosa	Moore
Clay	Hoeffel	Morella
Clayton	Holt	Nadler
Clyburn	Horn	Napolitano
Condit	Hoyer	Olver
Conyers	Inslee	Owens
Coyne	Jackson (IL)	Pallone
Cummings	Jackson-Lee	Pascarell
Davis (IL)	(TX)	Pastor
DeFazio	Johnson, E. B.	Paul
DeGette	Jones (OH)	Payne
DeLaunt	Kelly	Pelosi
DeLauro	Kennedy	Pickett
Deutsch	Kilpatrick	Porter

Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Trafigant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott

Serrano
Shays
Sherman
Sisisky
Slaughter
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)

NOT VOTING—6

Chenoweth	Jefferson	Scarborough
Hooley	Meeks (NY)	Wu

So the amendment was agreed to.

¶105.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Ms. LOFGREN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Motherhood Protection Act of 1999”.

SEC. 2. CRIMES AGAINST A WOMAN—TERMINATING HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be the such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844 (d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

It was decided in the { Yeas 201
negative } Nays 224

¶105.16

[Roll No. 464]

AYES—201

Abercrombie	Allen	Baird
Ackerman	Andrews	Baldacci